



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: October 15, 2020

Project End Date: September 15, 2021

Permit Number: 2018-6-256+05

FPA/Public Notice Number: N/A

Application ID: 14829

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Electron Hydro, LLC ATTENTION: Thom Fischer 1800 James St Bellingham, WA 98225	COMPANY Electron Hydro ATTENTION: Chris Spens 1800 James St Bellingham, WA 98225-4631

**Project Name:** Electron Hydro Diversion Repair, Spillway Replacement and Bank Protection

**Project Description:** The following work is approved: Construction of the concrete abutment (east) wall intended to secure the left side of the wood diversion structure. Placement of heavy stone which may be rounded or angular at the outlet of the fish ladder to create a step pool configuration that restores fish passage through the ladder. This necessitates that large machinery will need to cross the active channel. Construction of a rock-core diversion and spillway fill within the original diversion footprint which includes placement of 6,000 CY of rock. Placement of a steel sheet at the upstream side and at the crest of the rock. Decommissioning the worksite which includes diverting river flow to the left bank, fish rescue and relocation, removal of the astroturf and crumb rubber from the temporary spillway channel, emptying and removing the cofferdam containers, and restoring river gravel bar surfaces.

These work items are approved in this modification to the HPA and the in-water work window is October 15, 2020 - October 28, 2020.

### PROVISIONS

#### TIMING - PLANS - INVASIVE SPECIES CONTROL

1. TIMING LIMITATION: Work below the ordinary high water line must only occur between October 15, 2020 and October 28, 2020.

2. APPROVED WORK: The following work is approved: Construction of the concrete abutment (east) wall intended to secure the left side of the wood diversion structure. Placement of heavy stone which may be rounded or angular at the outlet of the fish ladder to create a step pool configuration that restores fish passage through the ladder. This necessitates that machinery will need to cross the active channel. Construction of a rock-core diversion and spillway fill within the original diversion footprint which includes placement of 6,000 CY of rock. Placement of a steel sheet at the upstream side and at the crest of the rock. Decommissioning the worksite which includes diverting river flow to the left bank, fish rescue and relocation, removal of the astroturf and crumb rubber from the temporary spillway channel, emptying and removing the cofferdam containers, and restoring river gravel bar surfaces.

3. APPROVED PLANS: You must accomplish the work per plans and specifications submitted with the application and approved by the Washington Department of Fish and Wildlife, entitled:

- "Electron Close Out Extension request Sep 4 2020", uploaded to APPS on September 15, 2020,
- "Exhibit 4 WQMP Sep 19, 2020 Winter Stabilization (Current).pdf" uploaded to APPS on September 28, 2020,
- "Exhibit 1 -V2 ELE\_Xtemp-0a-Plan View DIVERSION ROCK SPILLWAY 10-08-2020.pdf", uploaded to APPS on October 8, 2020,
- "Exhibit 1-V2 ELE\_Xtemp-0a-Profile-DIVERSION ROCK SPILLWAY.pdf", uploaded to APPS on October 8, 2020,
- "Exhibit 2-V2\_ELE\_Xtemp-0a-Cross Section DIVERSION ROCK SPILLWAY.pdf", uploaded to APPS on October 8,



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: October 15, 2020

Project End Date: September 15, 2021

Permit Number: 2018-6-256+05

FPA/Public Notice Number: N/A

Application ID: 14829

2020,

- "Rock Quantity\_Specs\_Rock Spillway.pdf", uploaded to APPS on October 8, 2020,
- "Exhibit 8a Fish Ladder plan 9-8-2020.pdf", uploaded to APPS on September 28, 2020,
- "Exhibit 9 - Post construction Monitoring and Maintenance.pdf" uploaded to APPS on September 28, 2020,
- the east/right abutment wall must be the only item constructed from the approved plan set "1-Electron Hydro JARPA\_Sup\_28Mar2017 Plans Reduced PDF", dated May 14, 2018, except as modified by this Hydraulic Project Approval.

You must have a copy of these plans available on site during all phases of the project construction.

4. **INVASIVE SPECIES CONTROL:** Follow Level 1 Decontamination protocol for low risk locations. Thoroughly remove visible dirt and organic debris from all equipment and gear (including drive mechanisms, wheels, tires, tracks, buckets and undercarriage) before arriving and leaving the job site to prevent the transport and introduction of invasive species. Properly dispose of any water and chemicals used to clean gear and equipment. For contaminated or high risk sites please refer to the Level 2 Decontamination protocol. You can find this and additional information in the Washington Department of Fish and Wildlife's "Invasive Species Management Protocols", available online at <http://wdfw.wa.gov/publications/search.php?Cat=Aquatic Invasive Species>.

### NOTIFICATION REQUIREMENTS

5. **PRE-, DURING, AND POST-CONSTRUCTION NOTIFICATION:** You, your agent, or contractor must contact the Washington Department of Fish and Wildlife by e-mail at [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); mail to Post Office Box 43234, Olympia, Washington 98504-3234; or fax to (360) 902-2946 at least three business days before starting in-water work, three business days before the fish rescue and relocation begins, and again within seven days after completing the in-water work. The notification must include the permittee's name, project location, starting date for work or date the work was completed, and the permit number. The Washington Department of Fish and Wildlife may conduct inspections during and after construction; however, the Washington Department of Fish and Wildlife will notify you or your agent before conducting the inspection.

6. **DURING CONSTRUCTION:** If there is any potential change to the allowable work that has been approved for the October 15, 2020 to October 28, 2020 in-water work window, the WDFW Area Habitat Biologist and the Assistant Regional Habitat Program Manager must be contacted and those changes must be approved.

7. **ADDITIONAL WORK:** The applicant must request to do any additional work through the submittal of a major modification to the HPA.

8. **FISH KILL/ WATER QUALITY PROBLEM NOTIFICATION:** If a fish kill occurs or fish are observed in distress at the job site, immediately stop all activities causing harm. Immediately notify the Washington Department of Fish and Wildlife of the problem. If the likely cause of the fish kill or fish distress is related to water quality, also notify the Washington Military Department Emergency Management Division at 1-800-258-5990. Activities related to the fish kill or fish distress must not resume until the Washington Department of Fish and Wildlife gives approval. The Washington Department of Fish and Wildlife may require additional measures to mitigate impacts.

### STAGING, JOB SITE ACCESS, AND EQUIPMENT

9. Establish staging areas (used for equipment storage, vehicle storage, fueling, servicing, and hazardous material storage) in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh concrete, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.

10. Use existing roadways or travel paths.

11. Limit the removal of native bankline vegetation to the minimum amount needed to construct the project.

12. Retain all natural habitat features on the bed or banks including large woody material and boulders. You may move these natural habitat features during construction but you must place them near the preproject location before leaving the job site.





## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: October 15, 2020

Project End Date: September 15, 2021

Permit Number: 2018-6-256+05

FPA/Public Notice Number: N/A

Application ID: 14829

13. Confine the use of equipment to the specific access and work corridor shown in the approved plans.
14. Remove soil or debris from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to operating the equipment waterward of the ordinary high water line.
15. Check equipment daily for leaks and complete any required repairs in an upland location before using the equipment in or near the water.
16. Use environmentally acceptable lubricants composed of biodegradable base oils such as vegetable oils, synthetic esters, and polyalkylene glycols in equipment operated in or near the water.
17. Equipment for placing the rock for the fish ladder must cross the Puyallup River in the most direct route and in a manner that does the least damage to the bed, streambank and streambank vegetation.

### CONSTRUCTION-RELATED SEDIMENT, EROSION AND POLLUTION CONTAINMENT

18. Work in the dry watercourse (when no natural flow is occurring in the channel, or when flow is diverted around the job site).
19. Protect all disturbed areas from erosion. Maintain erosion and sediment control until all work and cleanup of the job site is complete.
20. All erosion control materials that will remain onsite must be composed of 100% biodegradable materials.
21. Stop all hydraulic project activities except those needed to control erosion and siltation, if flow conditions arise that will result in erosion or siltation of waters of the state.
22. You must route construction water (wastewater) from the project as shown in the approved construction wastewater plan "WQMP Sep 19 2020" uploaded to APPS on September 22, 2020. Remove fine sediment and other contaminants before discharging the construction water to waters of the state.
23. Deposit waste material from the project, such as construction debris, silt, excess dirt, or overburden, in an upland area above the limits of anticipated floodwater unless the material is approved by the Washington Department of Fish and Wildlife for reuse in the project.

### CONSTRUCTION MATERIALS

24. Store all construction and deconstruction material in a location and manner that will prevent contaminants such as petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or harmful materials from entering waters of the state.
25. Do not stockpile construction material waterward of the ordinary high water line, except for excavated riverbed material.
26. Use only clean, suitable material as fill material (no trash, debris, car bodies, tires, asphalt, concrete, etc.).
27. To prevent leaching, construct forms to contain any wet concrete. Place impervious material over wet concrete that will come in contact with waters of the state. Forms and impervious materials must remain in place until the concrete is cured.
28. Do not use wood treated with oil-type preservatives (creosote, pentachlorophenol) in any hydraulic project. You may use wood treated with waterborne preservatives (ACZA, ACQ) provided the wood is approved by the Western Wood Preservers Institute for use in the aquatic environment. Any use of treated wood in the aquatic environment must follow guidelines and best management practices available at [www.wwpinstitute.org](http://www.wwpinstitute.org).

### EAST ABUTMENT

29. The east abutment must be constructed according to the plans and specifications in the document "1-Electron Hydro JARPA\_Sup\_28Mar2017 Plans Reduced PDF", dated May 14, 2018.

### FISH PASSAGE IMPROVEMENT

30. Rocks can be placed at the outlet of the fish ladder to create pools leading up to the first cell, and rock can be



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: October 15, 2020

Project End Date: September 15, 2021

Permit Number: 2018-6-256+05

FPA/Public Notice Number: N/A

Application ID: 14829

placed at the inlet of the fish ladder to direct flow. This rock must be removed at the end of construction for the diversion unless there are still fish passage concerns at the fish ladder.

31. Place the rock steps so that the drop between pools is a maximum of 12-inches vertical height.

32. Inspect the fish ladder for proper function at least once a day from October 15, 2020 through November 15, 2020. If passage problems develop, contact the WDFW Area Habitat Biologist to discuss modifications.

33. The fish ladder monitoring must include:

- Fish ladder monitoring must be conducted by a qualified fisheries biologist, hydrologist, or hydraulic engineer that has adequate experience with fish passage projects.
- The fish ladder must be monitored from October 15, 2020 to July 15, 2021. The fish ladder must be monitored daily from October 15, 2020 to November 15, 2020. The fish ladder must be monitored once a week from November 15, 2020 to July 15, 2021. Fish ladder monitoring reports must be submitted weekly to WDFW, emailed to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov). Include the APP ID in the email.
- The fish ladder monitoring report must include the following elements:
  - Measure velocity (cfs) entering or leaving the fish ladder with a staff gauge or other flow measuring device,
  - Measure water surface drops from last cell to tailrace, they must be <12-inches (1 foot) and there must be adequate pools,
  - Document any debris at the intake or outlet that could impair flow in the ladder or prevent fish passage,
  - Document any attraction flow issues including fish jumping at the barrier/dam instead of the fish ladder
  - Document any fish observed using the fish ladder with a photo or video.
- Reporting Fish Passage non-compliance: Report instances where fish passage or the fish ladder require maintenance or repair, such as, but not limited to:
  - There are water surface drop at the fish ladder that prevent adult migration,
  - Debris issues that impact flow in the ladder or prevent fish from using the ladder,
  - There is a fish ladder outage and the ladder must intentionally be closed, if the outage will last longer than 48 hours, there must be a contingency plan for providing fish passage.

If there are issues with fish passage or the fish ladder that require maintenance or repair, WDFW must be notified within 24 hours.

34. If passage problems develop, contact the WDFW Area Habitat Biologist to discuss modifications.

35. The owner must maintain the fish ladder to ensure it provides continued, unimpeded fish passage for the life of the project.

### TEMPORARY ROCK DIVERSION STRUCTURE

36. The rock must be placed according to the approved plans entitled "Exhibit 1 -V2 ELE\_Xtemp-0a-Plan View DIVERSION ROCK SPILLWAY 10-08-2020.pdf", uploaded to APPS on October 8, 2020, "Exhibit 1-V2 ELE\_Xtemp-0a-Profile-DIVERSION ROCK SPILLWAY.pdf", uploaded to APPS on October 8, 2020, and "Exhibit 2-V2\_ELE\_Xtemp-0a-Cross Section DIVERSION ROCK SPILLWAY.pdf", uploaded to APPS on October 8, 2020.

37. The rock placement includes: 2,220 CY of rock greater than or equal to 24-inches, 1,050 CY of river rock (bedload), 610 CY of well-graded river rock, 240 CY of membrane support rock, and 900 CY of 4 - 7 man toe anchor rock. The rock must be placed in accordance with the approved plan entitled, "Rock Quantity\_Specs\_Rock Spillway.pdf", uploaded to APPS on October 8, 2020.

38. Well graded bed load (rounded river rock) must be used to fill voids between the large angular rocks on the downstream side of the dam structure.

39. No voids must be observed on the downstream face of the rock dam to avoid and minimize juvenile fish entrainment.

40. Complete all rock placement prior to releasing flow to the left bank.

41. The temporary rock diversion structure, sheet metal, and all associated materials must be removed during the in-





## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: October 15, 2020

Project End Date: September 15, 2021

Permit Number: 2018-6-256+05

FPA/Public Notice Number: N/A

Application ID: 14829

water work window of July 15, 2021 to September 15, 2021.

### IN-WATER WORK AREA ISOLATION USING A COFFERDAM STRUCTURE

42. Use a cofferdam, dike, or similar structure to exclude water from the work area.
43. Maintain water quality when installing and removing the cofferdam, dike or similar structure.
44. Install the cofferdam, dike or similar structure and remove fish prior to the start of other work in the wetted perimeter.
45. Sequence the work to minimize the duration of dewatering.
46. Isolate pump hose intakes with block nets so that fish cannot get near the intake.
47. The pump intake structure must have a fish screen installed, operated, and maintained in accordance with RCW 77.57.010 and 77.57.070. Screen the pump intake with one of the following:
  - a) Perforated plate: 0.094 inch (maximum opening diameter);
  - b) Profile bar: 0.069 inch (maximum width opening); or
  - c) Woven wire: 0.087 inch (maximum opening in the narrow direction).The minimum open area for all types of fish screens is twenty-seven percent. The screened intake facility must have enough surface area to ensure that the velocity through the screen is less than 0.4 feet per second. Maintain fish screens to prevent injury or entrapment of fish.
48. The fish screen must remain in place whenever water is withdrawn from the stream through the pump intake.
49. Remove fish screens on dewatering pumps in the isolated work area only after all fish are safe and excluded from the work area.

### FISH LIFE REMOVAL

50. All persons participating in capture and removal must have training, knowledge, and skills in the safe handling of fish life.
51. If personnel are available, the Washington Department of Fish and Wildlife and affected tribes may help capture and move fish life from the job site.
52. Place block nets upstream and downstream of the in-water work area before capturing and removing fish life.
53. Capture and safely move fish life from the work area to the nearest suitable free-flowing water.
54. All persons removing fish life from a job site must follow the protocol entitled Exhibit 7 Fish Salvage Plan-V2-MV 10 -04-2020 uploaded to APPS on October 6, 2020.

### ASTROTURF AND CRUMB RUBBER REMOVAL

55. All astroturf and crumb rubber must be removed from within the temporary spillway using the methods outlined in the plan entitled "Electron Close Out Extension Request Sep 4 2020.pdf" uploaded to APPS on September 15, 2020.
56. All astroturf and crumb rubber removed from the temporary spillway area must be taken to a location above the 100-year flood elevation of the river to be stored.

### DEMOBILIZATION AND CLEANUP

57. Do not relocate removed or replaced structures within waters of the state. Remove and dispose of these structures in an upland area above the limits of anticipated floodwater.
58. Return diverted water to the channel immediately downstream of the work area. Dissipate flow energy from the diversion to prevent scour or erosion of the channel and bank.

LOCATION #1:



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: October 15, 2020

Project End Date: September 15, 2021

Permit Number: 2018-6-256+05

FPA/Public Notice Number: N/A

Application ID: 14829

Site Name: Electron Hydro Diversion 29711 Kapowsin-Electron Reservoir Rd, Orting, WA 98360						
WORK START: October 15, 2020			WORK END: September 15, 2021			
<u>WRIA</u>		<u>Waterbody:</u>			<u>Tributary to:</u>	
10 - Puyallup - White		Puyallup River			Puyallup River	
<u>1/4 SEC:</u>	<u>Section:</u>	<u>Township:</u>	<u>Range:</u>	<u>Latitude:</u>	<u>Longitude:</u>	<u>County:</u>
NW 1/4	03	16 N	06 E	46.90554	-122.03974	Pierce
<u>Location #1 Driving Directions</u>						
Requires company escort due to numerous locked gates and access through other private property.						

### APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW. Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in civil action against you, including, but not limited to, a stop work order or notice to comply, and/or a gross misdemeanor criminal charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.





## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: October 15, 2020

Project End Date: September 15, 2021

Permit Number: 2018-6-256+05

FPA/Public Notice Number: N/A

Application ID: 14829

**MINOR MODIFICATIONS TO THIS HPA:** You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA unless this is a General HPA. If this is a General HPA you must use the Major Modification process described below. Any approved minor modification will require issuance of a letter documenting the approval. A minor modification to the required work timing means any change to the work start or end dates of the current work season to enable project or work phase completion. Minor modifications will be approved only if spawning or incubating fish are not present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a minor modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are seeking a minor modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov). You should allow up to 45 days for the department to process your request.

**MAJOR MODIFICATIONS TO THIS HPA:** You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you originally applied for your HPA through the online Aquatic Protection Permitting System (APPS), you may request a major modification through APPS. A link to APPS is at <http://wdfw.wa.gov/licensing/hpa/>. If you did not use APPS you must submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Written requests must include the name of the applicant, the name of the authorized agent if one is acting for the applicant, the APP ID number of the HPA, the date issued, the permitting biologist, the requested changes to the HPA, the reason for the requested change, the date of the request, and the requestor's signature. Send your written request by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. You may email your request for a major modification to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov). You should allow up to 45 days for the department to process your request.

### APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.

**A. INFORMAL APPEALS:** WAC 220-660-460 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.



## HYDRAULIC PROJECT APPROVAL

Washington Department of  
Fish & Wildlife  
PO Box 43234  
Olympia, WA 98504-3234  
(360) 902-2200

Issued Date: October 15, 2020  
Project End Date: September 15, 2021

Permit Number: 2018-6-256+05  
FPA/Public Notice Number: N/A  
Application ID: 14829

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee may conduct an informal hearing or review and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

**B. FORMAL APPEALS:** WAC 220-660-470 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat Program, PO Box 43234, Olympia, Washington 98504-3234; e-mail to [HPAapplications@dfw.wa.gov](mailto:HPAapplications@dfw.wa.gov); fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

**C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS:** If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

Habitat Biologist      [elizabeth.bockstiegel@dfw.wa.gov](mailto:elizabeth.bockstiegel@dfw.wa.gov)  
Elizabeth Bockstiegel      360-480-2908

for Director  
WDFW